

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAREN HEATHERLY, et al.,

No. C 08-0736 MMC

Plaintiffs,

ORDER OF DISMISSAL

v.

WASHOE HOUSE, INC.,

Defendant

The parties having advised the Court that they have agreed to a settlement of the above-titled action,

IT IS HEREBY ORDERED that plaintiffs' claims alleged herein be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereon on opposing counsel, that the agreed consideration for the settlement has not been delivered, the foregoing order shall stand vacated and the action shall forthwith be restored to the calendar to be set for trial.

IT IS SO ORDERED.

Dated: June 9, 2009


MAXINE M. CHESNEY
United States District Judge